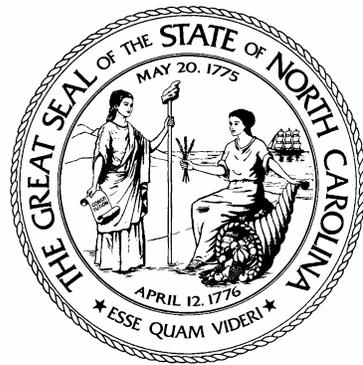


**JOINT SELECT COMMITTEE ON MILITARY AFFAIRS**



**REPORT TO THE**

**2004 GENERAL ASSEMBLY OF NORTH CAROLINA**

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December 31, 2004

TO THE MEMBERS OF THE 2004 GENERAL ASSEMBLY:

The Joint Select Committee on Military Affairs herewith submits to you for your consideration its report pursuant to the Letter of Appointment, dated November 12, 2003.

Respectfully submitted,



\_\_\_\_\_  
Senator Cecil Hargett



\_\_\_\_\_  
Representative Keith Williams



\_\_\_\_\_  
Representative Ronnie Sutton

Cochairs  
Joint Select Committee on Military Affairs

## MEMBERSHIP AND STAFF

Sen. Cecil S. Hargett, Jr., Co-Chair  
Sen. Patrick J. Ballantine  
Sen. John H. Carrington  
Sen. Charlie Smith Dannelly  
Sen. Katie G. Dorsett  
Sen. James Forrester  
Sen. John H. Kerr, III  
Sen. Tony Rand  
Sen. R. B. Sloan, Jr.  
Sen. Scott Thomas

Rep. Ronnie N. Sutton, Co-Chair  
Rep. Keith P. Williams, Co-Chair  
Rep. Lorene T. Coates  
Rep. Michael A. Gorman  
Rep. Robert Grady  
Rep. Charles E. Johnson  
Rep. David R. Lewis  
Rep. Marvin W. Lucas  
Rep. Louis M. Pate, Jr.  
Rep. Alex Warner

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Room 545, Legislative Office Bldg.

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Barbara Riley, Staff Attorney

### Committee Clerk

Martha Hoover, Legislative Asst.  
Room 418C, Legislative Office Building



# North Carolina General Assembly

State Legislative Building, Raleigh, N.C., 27601-1096

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<b>Marc Basnight</b> President Pro Tem	<b>James B. Black</b> Speaker	<b>Richard T. Morgan</b> Speaker
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## JOINT SELECT COMMITTEE ON MILITARY AFFAIRS

**Section 1.** The **Joint Select Committee on Military Affairs** is established by the President Pro Tempore of the Senate and the Speakers of the House of Representatives pursuant to G.S. 120-19.6, Rule 31 of the Rules of the Senate of the 2003 General Assembly, and Rule 26(a) of the Rules of the House of Representatives of the 2003 General Assembly. The Senate Select Committee on Military Affairs established and appointed by the President Pro Tempore of the Senate on March 11, 2003 is merged into the Joint Select Committee. The members of the Senate Select Committee are appointed to the Joint Committee, as set out in Section 2 of this authorization, for the terms provided in this authorization.

**Section 2.** The Committee consists of the twenty members listed below, ten of whom are appointed by the President Pro Tempore of the Senate and ten of whom are appointed by the Speakers of the House of Representatives. Members serve at the pleasure of the appointing officer.

Sen. Cecil S. Hargett, Jr., Co-Chair	Rep. Ronnie N. Sutton, Co-Chair
Sen. Patrick J. Ballantine	Rep. Keith P. Williams, Co-Chair
Sen. John H. Carrington	Rep. Lorene T. Coates
Sen. Charlie Smith Dannelly	Rep. Michael A. Gorman
Sen. Katie G. Dorsett	Rep. Robert Grady
Sen. James Forrester	Rep. Charles E. Johnson
Sen. John H. Kerr, III	Rep. David R. Lewis
Sen. Tony Rand	Rep. Marvin W. Lucas.
Sen. R. B. Sloan, Jr.	Rep. Louis M. Pate, Jr
Sen. Scott Thomas	Rep. Alex Warner

**Section 3.** The Committee shall study the State's relationship with the military. In undertaking this study, the Committee shall consider the following:

- (a) How to create and maintain an environment that is conducive to the location of military personnel and installations in this State.

(b) How to control residential and urban development encroachment on military bases and training areas, including:

- (1) Restricting the zoning in the areas around military bases and training areas.
- (2) How encroachment affects deed registration.
- (3) Protecting the areas around military bases and training areas by purchasing development rights and buffers using all available State trust funds and other available funding mechanisms.

**Section 4.** The Committee may report on the results of its study, including any proposed legislation, to the members of the Senate and the House of Representatives, on or before the convening of the 2004 Regular Session of the 2003 General Assembly by filing a copy of the report with the President Pro Tempore's office, the Speakers' offices, and the Legislative Library. The Committee shall report on the results of its study, including any proposed legislation, to the members of the Senate and the House of Representatives, on or before the convening of the 2005 General Assembly by filing a copy of the report with the President Pro Tempore's office, the Speakers' offices, and the Legislative Library. The Committee terminates upon the convening of the 2005 General Assembly, or upon the filing of its final report, whichever occurs first.

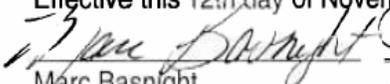
**Section 5.** The Committee may meet during the interim period between regular sessions upon the call of the House and Senate co-chairs.

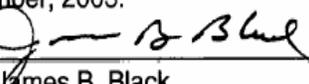
**Section 6.** The Committee is vested with the authority contained in Article 5A of Chapter 120 of the General Statutes.

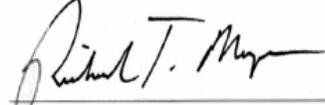
**Section 7.** Members of the Committee shall receive per diem, subsistence, and travel allowance at the rate established in G.S. 120-3.1.

**Section 8.** The expenses of the Committee are considered expenses incurred for the joint operation of the General Assembly. Individual expenses of \$5,000 or less, including per diem, travel, and subsistence expenses of members of the Committee, and clerical expenses shall be paid upon the authorization of a co-chair of the Committee. Individual expenses in excess of \$5,000 shall be paid upon the written approval of the President Pro Tempore of the Senate and the Speakers of the House of Representatives. All expenses of the Committee shall be paid from the Legislative Services Commission's Reserve for Studies.

Effective this 12<sup>th</sup> day of November, 2003.

  
Marc Basnight  
President Pro Tempore

  
James B. Black  
Speaker

  
Richard T. Morgan  
Speaker

## PREFACE

The Joint Select Committee on Military Affairs, established by the Speakers of the House and the President Pro Tempore of the Senate, was authorized to study the State's relationship with the military in order to make recommendations to the General Assembly on how to create and maintain an environment that is conducive to the location of military personnel and installations in the State. The Committee was also authorized to study how to control residential and urban development from encroachment on military bases and training areas. The Commission was cochaired by appointees of the Speakers of the House and the President Pro Tempore of the Senate and had 10 members appointed from each house of the General Assembly. Senator Cecil Hargett, Representative Keith Williams, and Representative Ronnie Sutton served as co-chairs of the Committee. The committee clerk maintains a notebook containing the committee minutes and all information presented to the committee.

## February 19, 2004

The Joint Select Committee on Military Affairs held its first meeting on Thursday, February 19, 2004, at 1:30 p.m. in Room 1027 of the Legislative Building. The following members were present: the Co-Chairs: Senator Cecil Hargett, Jr., Representative Ronnie Sutton, and Representative Keith Williams; Senator Katie Dorsett; and Representatives Lorene Coates, Robert Grady, Charles Johnson, David Lewis, Marvin Lucas, Louis Pate, Jr., and Alex Warner.

Presiding Chair Hargett called the meeting to order at 11:40 a.m. and introduced the other Co-Chairs, Representatives Sutton and Williams. After the members introduced themselves, the Chairman then welcomed the staff and guests.

As the first order of business, Chairman Hargett reviewed the legislation authorizing the Joint Select Committee. He discussed the purpose of the Committee and reviewed the charges given to the members. (Attachment 2)

### **Presentation by Ms. Leigh Harvey McNairy**

After announcing a change in the order of the speakers on the agenda, Chairman Hargett introduced Ms. Leigh McNairy, Special Assistant for Military Affairs, Office of the Lieutenant Governor. In her presentation regarding the potential impact of the upcoming Base Realignment and Closure (BRAC), Ms. McNairy noted that Donald Rumsfeld, Secretary of Defense, has stated that he will cut 25% of the current capacity and that this BRAC will equal or exceed all previous BRACs. Ms. McNairy also said that prior BRACs were carried out within the individual branches of the military, whereas this one will be on a joint basis. Ms. McNairy noted that although the military impacts some counties more directly than others, the \$18.1B added to our economy has a major effect statewide. In summary, she commented that her job is to be a connection with all points working the issues. She stated that our individual bases are strong and reiterated the goal of "jointness."

Chairman Hargett thanked Ms. McNairy for her presentation and reminded the members that the authorizing legislation states that the Committee *may* make recommendations in 2004, and *must* by 2005.

\*All noted attachments are located in the committee clerk's notebook.

### **Presentation by Mr. Troy Pate**

Chairman Hargett then introduced Mr. Troy Pate, Co-Chair of the Governor's Advisory Commission on Military Affairs, who spoke about the background of the Commission, its purpose and recent activities, and its recommendations. The full text of Mr. Pate's address is included in a document titled "Remarks," which is attached to these minutes. (Attachment 3)

### **Presentation by Mr. Paul Meyer**

Following Mr. Pate's address, Chairman Hargett introduced Mr. Paul Meyer, Assistant General Counsel for the North Carolina Association of County Commissioners. Mr. Meyer provided copies of a report (Attachment 4) from the Local Government Military Base Advisory Committee, which is composed of officials from municipalities and counties near the existing federal military installations in the State. In his opening remarks, Mr. Meyer reviewed the purpose of the group and the process it followed in developing its recommendations. He noted that the use of "require" in the section regarding land use compatibility issues was meant to ensure that mandates are in place, while leaving the details of solving encroachment to the local areas. Mr. Meyer also discussed the request for legislation in the Commission's fourth recommendation.

At the conclusion of Mr. Meyer's presentation, the Chair opened the floor for questions and comments. Several members commented on the recommendation that county and municipal governments be "required" to take certain actions, noting that local officials have generally opposed mandates from the State. At Representative Grady's request, Mr. Meyer agreed to ask the affected counties to approve a resolution expressing support for such legislation. There was also some discussion regarding the list of Commission members and a request to include local elected officials.

### **Presentations by County and Municipal Officials**

The next speakers on the agenda were officials from five local governments near the existing military bases:

Mr. Atlas Price, Jr., Wayne County Commissioner  
Mr. Chuck Allen, Mayor Pro-Tem, Goldsboro  
Mr. Jack Bright, Onslow County Commissioner  
Mr. Jimmie Sanders, Mayor Pro-Tem, Town of Havelock  
Mr. Breeden Blackwell, Cumberland County Commissioner

All the officials emphasized the importance of the bases to their localities, including the number of both direct and indirect jobs associated with the installations. They commented on the degree to which the military is an integral part of their communities and described an extensive array of initiatives underway to ensure that they maintain positive relationships. Several of the speakers talked about the lessons they learned from the deployments for Desert Storm and the programs they now have in place to support spouses and families.

Mr. Price also spoke about his experience with base closure when Seymour Johnson AFB was closed between 1946 and 1956. He stated that the economic impact would be even more severe now, with North Carolina having lost much of its tobacco, textile, and furniture

industries. In his presentation, Mr. Allen mentioned several areas in which the General Assembly could help – encroachment prevention, protection of low-level flying areas, and appointments to the Governor’s Commission. Representing Onslow County, Mr. Bright stated that his area faces some issues that are different from the other localities because oceanfront property is involved. He noted that Camp Lejuene has forty percent of the land base in the county. Mr. Sanders highlighted the importance of Cherry Point to the four-county area and listed a number of challenges – land use, long-range planning, number of young people who do not generate revenue but need services, opportunities for spousal employment, and swings in sales that discourage retail establishments. To emphasize the economic importance of Fort Bragg to the surrounding communities, Mr. Blackwell stated that the impact of a brigade leaving would be equivalent to losing their largest private employer.

At this point in the meeting, Chairman Hargett recognized the military guests who were present and then opened the floor for discussion. Representative Pate asked that staff provide a number of items for the next meeting – maps of Military Operating Areas, bombing fields, low-level flight paths, landing fields, and proposed landing fields. He also requested that the Committee discuss OLF. Representative Sutton asked for information on known opposition, if there is an organized effort. Senator Dorsett and Representative Lewis asked to hear about what other states are doing.

As there was no further business before the Committee, Chairman Hargett adjourned the meeting at approximately 3:35 p.m.

### **March 9, 2004**

The Joint Select Committee on Military Affairs met on Tuesday, March 9, 2004, at 10:00 a.m. in Room 544 of the Legislative Office Building. The following members were present: the Co-Chairs: Senator Cecil Hargett, Jr., Representative Ronnie Sutton, and Representative Keith Williams; Senators Charlie Dannelly, Katie Dorsett, James Forrester, John Kerr, III, Tony Rand, and R. B. Sloan, Jr., and Representatives Lorene Coates, Robert Grady, Charles Johnson, Marvin Lucas, and Louis Pate, Jr.

Presiding Chair Williams called the meeting to order and welcomed the members and staff. He recognized two guests in the audience: Ms. Leigh McNairy, Special Assistant for Military Affairs, Office of the Lieutenant Governor; and Col. Al Aycock, Garrison Commander, Fort Bragg. The Chairman then opened the floor for a motion to approve the minutes. The motion was made and the minutes were approved as written

#### **Presentation by Mr. David A. MacKinnon**

Chairman Williams introduced the first speaker, Mr. David A. MacKinnon, Associate Director of the Office of Economic Adjustment (OEA), Department of Defense. A copy of Mr. MacKinnon’s presentation slides, titled “Incompatible Urban Growth: Impact on Military Installations,” is attached (Attachment 2). In his opening remarks, Mr. MacKinnon reviewed the mission and authority of OEA. He also defined encroachment and gave examples of the two types – environmental constraints and urban growth constraints. In discussing the cooperative

efforts that OEA would like to see, Mr. MacKinnon described ways to deal with urban growth near bases and ranges. Part of his presentation covered the situation in North Carolina, including activities underway, such as the Advisory Commission on Military Affairs and the JLUS studies. In closing he reviewed typical development controls and some recommendations.

At the conclusion of Mr. MacKinnon's presentation, Chairman Williams opened the floor for questions and comments. There was a brief period of discussion, including several questions regarding the JLUS that was completed at Seymour Johnson AFB.

### **Presentation by Ms. Tara A. Butler**

As the next order of business, Chairman Williams introduced Ms. Tara A. Butler, Senior Policy Analyst, National Governors Association Center for Best Practices. Ms. Butler began with a series of slides showing the increase in urban development around Nellis Air Force Base in Las Vegas from the 1930's to the present. (Attachment 3, "BRAC: Military Encroachment"). She then discussed the topics covered in an Issue Brief titled "Military Installations Pressured by Sprawl" (Attachment 4). In reviewing the extent of the problem, Ms. Butler said that incompatible residential and commercial development of land close to military installations could affect the ability of an installation to carry out its mission. She noted that some states are encouraging compatible land use around their military installations by having local governments:

- Anticipate urban growth patterns and create a land-use plan to prevent encroachment
- Establish high noise and accident potential zones near military installations and develop zoning codes that support compatible development of land within these zones.

In the next part of her presentation, Ms. Butler spoke from a second Issue Brief, "State Strategies to Address Encroachment at Military Installations" (Attachment 5). She described steps that states and localities are taking to address the problem:

- Crafting legislation that requires compatible land use;
- Passing zoning, planning, and noise requirements;
- Using statutory language to designate military installations as areas of critical state concern;
- Acquiring property surrounding military installations; and
- Creating state military advisory bodies.

During discussion following the presentations, several members suggested topics for Committee consideration. Representative Pate asked that the Committee address the weaknesses inherent in the process for petroleum distribution in the State, with the potential for terrorist attacks and the resulting impact on military operations. Senator Rand asked to have presenters to discuss partnering with conservation groups, as has been done at Fort Bragg with the Nature Conservancy.

As there was no further business before the Committee, Chairman Williams announced that the next meeting would be on March 23<sup>rd</sup>. He then adjourned the meeting at approximately 12:00 noon.

## March 23, 2004

The Joint Select Committee on Military Affairs met on Tuesday, March 23, 2004, at 10:00 a.m. in Room 1027 of the Legislative Building. The following members were present: the Co-Chairs: Senator Cecil Hargett, Jr., Representative Ronnie Sutton, and Representative Keith Williams; Senators Katie Dorsett, James Forrester, and Tony Rand, and Representatives Lorene Coates, Robert Grady, Charles Johnson, Marvin Lucas, and Louis Pate, Jr.

Representative Sutton presided. After calling the meeting to order and welcoming the members and staff, he opened the floor for a motion to approve the minutes. The motion was made and the minutes were approved as written.

### **Presentation by Mr. Richard Rogers**

Chairman Sutton introduced the first speaker, Mr. Richard Rogers from the Office of Conservation and Community Affairs, Department of Environment and Natural Resources. A copy of Mr. Rogers' presentation slides, titled "Conservation & North Carolina Military Bases," is attached (Attachment 2). After presenting desired outcomes, Mr. Rogers discussed the following topics:

- Partners: the military bases, governmental agencies, and non-governmental organizations.
- Current conservation planning efforts around our military bases.
- Current and future conservation activities around military facilities.
- Keys to retaining and enhancing military operations through conservation.

In his summary, Mr. Rogers noted that progress is being made in the acquisition of land for compatible use around some of our military bases. He made the following recommendations:

- Continue to expand our partnerships in planning to ensure landowner and local government representation.
- Ensure existing state trust funds are fully funded.
- Identify funding to fill the gap for the protection of our working farms and forests.

At the conclusion of Mr. Rogers' presentation, there was a period of questions and comments, including some discussion regarding the availability of federal funds for land acquisition.

### **Presentation by Mr. John Berndt**

As the next order of business, Chairman Sutton introduced Mr. John Berndt, Consultant to the Governor's Advisory Commission on Military Affairs (ACMA). A copy of his presentation slides, titled "Advisory Commission on Military Affairs: Recommendations on Encroachment at North Carolina Military Bases," is attached (Attachment 3). Mr. Berndt also distributed a draft of the Commission's report titled "Strategic Plan," dated February 2004 (Attachment 4).

In his opening remarks, Mr. Berndt stated that the report from ACMA to the Governor was based on SWOT (Strengths, Weaknesses, Opportunities and Threats) priorities and JLUS (Joint Land Use Study) findings and recommendations. He then discussed the following six recommendations:

1. Require local governments to delineate "buffer zones."
2. Require real estate disclosure.
3. Require land use plans.
4. Require sound attenuation.
5. Limit infrastructure in buffer areas.
6. Acquire critical property.

Topics of discussion following Mr. Berndt's presentation included next steps for approval of the Commission's report and the criteria for determining "buffer zones."

#### **Presentation by Mr. Charles Archer**

The Chair then introduced Mr. Charles Archer from the North Carolina League of Municipalities (NCLM). Mr. Archer stated that he was speaking on behalf of NCLM and the North Carolina Association of County Commissioners (NCACC). He added that he would touch on some key issues in the report issued by the two groups ("Local Government Military Base Advisory Committee Report"). He reminded the members that Mr. Paul Meyer of NCACC presented this report to the Committee at its first meeting.

In reviewing the report, Mr. Archer stated that the Advisory Committee had grouped the identified issues into two categories: (1) Land Use Planning and (2) Other. He said the group concluded that the localities need flexibility to address the situation in their individual areas. Mr. Archer then summarized the group's recommendations, including specific actions requested from the North Carolina General Assembly. A copy of the report is available as Attachment 4 to the minutes for the February 19<sup>th</sup> meeting of this Committee.

During discussion following the presentations, several members suggested topics for Committee consideration. Representative Pate asked the staff for additional information on sound attenuation and on federal funding for land purchases. Senator Forrester requested that someone from the Lieutenant Governor's office address the Committee.

As there was no further business before the Committee, Chairman Sutton adjourned the meeting at approximately 12:00 Noon.

### **April 27, 2004**

The Joint Select Committee on Military Affairs met on Tuesday, April 27, 2004, at 10:00 a.m. in Room 1228 of the Legislative Building. The following members were present: the Co-Chairs: Senator Cecil Hargett, Jr., Representative Ronnie Sutton, and Representative Keith Williams; Senators Katie Dorsett and John Kerr, III; and Representatives Charles Johnson, David Lewis, Marvin Lucas, and Louis Pate, Jr.

Representative Williams presided. After calling the meeting to order and welcoming the members and staff, he opened the floor for a motion to approve the minutes. The motion was made and the minutes were approved as written.

#### **Presentation by Mr. Phillip A. Baddour, Jr.**

As the first order of business, Chairman Williams introduced Mr. Phillip A. Baddour, Jr., a member of the Board of Trustees of the Clean Water Management Trust Fund (CWMTF). Mr. Baddour distributed two handouts:

- Letter to the Committee dated March 12, 2004, from Mr. Bill Holman, CWMTF Executive Director (Attachment 2), and
- CWMTF 2003 Annual Report (Attachments 3).

In his opening comments, Mr. Baddour noted the positive working relationship between environmental groups and the military in addressing encroachment issues. The Defense Authorization Act passed last

year included a provision that authorizes military departments to enter into agreements with eligible parties to acquire real estate in the vicinity of military installations to limit incompatible land use. This legislation provides a unique ability to have a win-win situation to protect both the military and the environment. Mr. Baddour described three successful projects in which CWMTF partnered with environmental groups—the Beck Tract near Camp Lejeune, a riparian conservation study on the Little River near Fort Bragg, and a tract in Pender County that could be used for light infantry training. He stated that the Trust has 83 applications for this year, including three that would prevent encroachment on military installations.

In conclusion, Mr. Baddour listed several items that CWMTF would like to see in the Committee’s recommendations to the General Assembly:

- Fully fund CWMTF
- Include funding for farmland preservation
- Set up trust fund that could be used to match funds from other sources.

Chairman Williams thanked Mr. Baddour and then opened the floor for questions and discussion. Representative Pate added his thanks for the good work done by CWMTF and stated his appreciation for their approach to the encroachment issue.

### **Committee Discussion Of Proposed Legislation**

At this point in the meeting, the Chair asked the staff to present several draft bills for Committee consideration. Chairman Williams encouraged the members to provide input and noted that other bills could be proposed if requested. He also said that a vote would not be taken during this meeting, but that the Committee would meet to vote during the first week of the session.

The Chair then recognized Senator Kerr who commented on the number of National Guard members in North Carolina and asked that the Committee consider the economic impact of the war in Iraq on the families of National Guard members. He asked that the Chairs and staff get information on the situation from the Adjutant General.

Following additional discussion concerning the National Guard, Representative Pate asked that staff provide the maps showing flight paths and areas of operation that he had requested in a previous meeting.

The Committee then considered the following draft bills:

1. A JOINT RESOLUTION EXPRESSING SUPPORT FOR MILITARY BASES AND THE GENERAL ASSEMBLY’S INTENT TO PROVIDE FOR AND SUPPORT PROGRAMS, FACILITIES, AND STRATEGIES TO REDUCE THE EXPOSURE OF MILITARY BASES LOCATED IN THIS STATE TO CLOSURE OR REALIGNMENT OF MISSION AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON MILITARY AFFAIRS (Attachment 4). There was general consensus by the members that the resolution should be proposed, but that it should contain more detail.
2. A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION ON MILITARY AFFAIRS. (The draft bill and the bill analysis are included as Attachments 5 and 6.) Mr. Pell noted that this bill would add five members as recommended by the Commission. Representative Sutton suggested that the language regarding “designees” be clarified by including an introductory statement to indicate that any member may send a designee. Senator Dorsett requested that the head of Veterans Affairs be added as a member.

3. A BILL TO BE ENTITLED AN ACT TO EXTEND TO THE SPOUSES OF ACTIVE DUTY MILITARY MEMBERS STATIONED IN NORTH CAROLINA THE SAME PRIORITY IN HIRING FOR STATE JOBS AFFORDED TO MILITARY VETERANS AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON MILITARY AFFAIRS. (The draft bill and the bill analysis are included as Attachments 7 and 8.) Chairman Williams commented that the Generals have stated that re-enlistment goes up when actions are taken to help families. Representative Lewis requested fiscal information. Ms. Riley said that a fiscal note is being prepared. Senator Kerr asked staff to find out if the bill will require domicile in North Carolina. There were several suggestions for rewording to make the language less broad.
4. A BILL TO BE ENTITLED AN ACT TO WAIVE AN AMOUNT EQUAL TO ONE-THIRD OF THE FUEL TAX COLLECTED ON MILITARY INSTALLATIONS EACH YEAR TO ENABLE THE ARMED FORCES TO IMPROVE QUALITY-OF-LIFE PROGRAMS FOR MILITARY MEMBERS AND THEIR FAMILIES IN NORTH CAROLINA. (The draft bill and the bill analysis are included as Attachments 9 and 10.) Senator Hargett said that he had introduced this bill last year, and that it had passed in the Senate but not in the House. There was some discussion about other states that have similar legislation, the manner in which the funds would be distributed, and the degree to which Powell funds would be impacted. Chairman Williams asked staff to provide information on the effect on individual bases.
5. A BILL TO BE ENTITLED AN ACT TO CREATE A MILITARY BASE LAND PRESERVATION TRUST FUND AND TO APPROPRIATE FUNDS TO PROTECT LANDS AROUND MILITARY BASES. (The draft bill and the bill analysis are included as Attachments 11 and 12.) Mr. Pell said that the Trust Fund would be used to prevent encroachment and that it would be a non-reverting fund, managed by a 12-member board of trustees. The bill would allow the State to enter into management agreements with either local governments or private, non-profit organizations. In response to a question from Representative Pate, Mr. Pell stated that there would be no mandated purchases and that the trustees would make the decision. Senator Kerr asked that the staff try to mitigate the impact on small counties and questioned the need for another trust fund. Representative Lucas commented that land loss should not be disproportionate for racial minorities. Representative Sutton asked staff to clarify the process for land valuation in the section regarding 20-year tax reimbursement. Following additional discussion regarding the determination of value and the amount of reimbursement, the Chair said that staff would consider member suggestions as they redraft the bill.
6. A BILL TO BE ENTITLED AN ACT TO AUTHORIZE IN-STATE TUITION FOR MEMBERS OF THE RESERVE COMPONENTS WHO ARE ASSIGNED TO UNITS LOCATED IN NORTH CAROLINA.. (The draft bill and the bill analysis are included as Attachments 13 and 14.) Mr. Pell explained that the current law covers active members and that a fiscal note was being prepared. In response to a question from Senator Kerr, he also noted that the law applies only to tuition, and not to preference in admission.
7. A BILL TO BE ENTITLED AN ACT REQUIRING THE COUNTIES AND CITIES NEAR MILITARY INSTALLATIONS TO GIVE NOTICE OF PLANNING CHANGES TO THE MILITARY INSTALLATIONS. (The draft bill and the bill analysis are included as Attachments 15 and 16.) The bill would require counties and cities planning to adopt or amend land use ordinances affecting property in the vicinity of a military installation to provide notice to the commander of the military installation at least 30 days prior to the public hearing. Representative Sutton asked that the wording regarding “adjacent county” be clarified. Senator Kerr suggested that the bill also require the State to provide notification of actions that would affect the military.

After all draft bills were presented and discussed, Representative Williams thanked the members and encouraged them to continue to provide input to staff as they redraft the bills. After acknowledging the visitors in the audience, he asked Ms. Angie McMillan from the Nature Conservancy to introduce herself and to talk about the work her group has done in working with the military on land preservation.

As there was no further business before the Committee, Chairman Williams adjourned the meeting at 11:50 a.m.

### **May 17, 2004**

The Joint Select Committee on Military Affairs met on Monday, May 17, 2004, at 6:00 p.m. in Room 1425 of the Legislative Building. The following members were present: the Co-Chairs: Senator Cecil Hargett, Jr., Representative Ronnie Sutton, and Representative Keith Williams; Senators Katie Dorsett John Kerr, III, Tony Rand, R. B. Sloan, Jr., and Woody White; and Representatives Lorene Coates, Michael Gorman, Robert Grady, Charles Johnson, Marvin Lucas, Louis Pate, Jr., and Alex Warner.

Senator Hargett presided. After calling the meeting to order and welcoming the members and staff, he opened the floor for a motion to approve the minutes. The motion was made and the minutes were approved as written.

#### **Committee Vote on Proposed Legislation**

Chairman Hargett then described the procedure to be followed in voting on six proposed bills that had been discussed during the last meeting on April 27<sup>th</sup>. He directed the members to vote up or down on each draft bill, noting that there would be opportunities for further discussion and amendments in the standing committees for those bills sent to the House and Senate.

Before the vote on each bill, Hal Pell and Barbara Riley, Committee staff, provided a brief overview and noted any changes that had been made since the April 27<sup>th</sup> meeting. Each bill was then briefly discussed and a vote was taken. All were unanimously approved.

- A JOINT RESOLUTION RECOGNIZING THE IMPORTANCE OF MILITARY BASES LOCATED IN THIS STATE TO ALL NORTH CAROLINIANS AND EXPRESSING THE GENERAL ASSEMBLY'S INTENT TO SUPPORT PROGRAMS AND STRATEGIES THAT PREVENT ENCROACHMENT UPON MILITARY INSTALLATIONS, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON MILITARY AFFAIRS. (Attachment 2)
- A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION ON MILITARY AFFAIRS. (Senate version is Attachment 3.)
- A BILL TO BE ENTITLED AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY INSTALLATIONS TO GIVE NOTICE OF LAND USE PLANNING CHANGES TO THE MILITARY INSTALLATIONS. (Senate version is Attachment 4; Bill Analysis is Attachment 5.)
- A BILL TO BE ENTITLED AN ACT TO AUTHORIZE IN-STATE TUITION FOR MEMBERS OF THE RESERVE COMPONENTS WHO ARE ASSIGNED TO UNITS LOCATED IN NORTH CAROLINA. (Senate version is Attachment 6; Bill Analysis is Attachment 7.)

- A BILL TO BE ENTITLED AN ACT TO CREATE A MILITARY BASE LAND PRESERVATION FUND AND TO APPROPRIATE FUNDS TO PROTECT LANDS AROUND MILITARY BASES. (Senate version is Attachment 8; Bill Analysis is Attachment 9.)
- A BILL TO BE ENTITLED AN ACT TO WAIVE AN AMOUNT EQUAL TO ONE-THIRD OF THE FUEL TAX COLLECTED ON MILITARY INSTALLATIONS EACH YEAR TO ENABLE THE ARMED FORCES TO IMPROVE QUALITY-OF-LIFE PROGRAMS FOR MILITARY MEMBERS AND THEIR FAMILIES IN NORTH CAROLINA. (Senate version is Attachment 10; Bill Analysis is Attachment 11.)

Following the approval of these bills, as there was no further business before the Committee, Chairman Hargett thanked the members and adjourned the meeting at 6:28 p.m.

**APPENDIX**

**COMMITTEE RECOMMENDATIONS**